

Message Text

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ACTION L-03

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 4662

UNCLAS SANTIAGO 6050

E.O.11652:N/A

TAGS: CI, PFOR

SUBJ: EXTRADITION TREATY NEGOTIATIONS - CHILE

REFS: A) SANTIAGO 5924 B) STATE 199455

1. ACTING FON MINISTRY LEGAL ADVISER LUIS ARTEAGA REVIEWED DEPARTMENT'S COMMENTS AND SUGGESTIONS CONTAINED REFTEL B WITH STEVEN ON SEPTEMBER 3. HE DECIDED PROCEED WITH NEGOTIATION WITHOUT WAITING FOR BAZAN. ARTEAGA AND STEVEN WORKED THROUGH ARTICLE VI AND WILL CONTINUE ON SEPTEMBER 5.

2. POINTS AGREED SO FAR ARE AS FOLLOWS: REFTEL B PARA 3, ARTICLE II - ACCENT OVER SECOND "E" IN "ESTEN" ADDED. "A CONTINUACION" SUBSTITUTED FOR "ENSEGUIDA." OFFENSE 2 - "O" SUBSTITUTED FOR COMMA. IN OFFENSE 4, ARTEAGA PREFERS SINGULAR - "LA LEGISLACION PENAL," AND AGREES TO ACCEPT OVER "O" IN "LEGISLACION ."

OFFENSE 6 - ARTEAGA SAYS WE ARE WRONG, AND PRODUCED SPANISH ACADEMY DICTIONARY TO PROVE POINT. HE AGREES TO ACCENT IN "VALIDA" BUT NOT RPT NOT IN "DESVALIDA." ARTEAGA ASKS IF THIS COULD BE MATTER OF OPTIONAL USE?

OFFENSE 8 - AGREED.

OFFENSE 10 - ARTEAGA PREFERS "AMENAZA" IN SINGULAR, ASKS THA WE MAKE "THREAT" SINGULAR IN ENGLISH TEXT.

OFFENSE 12 - ARTEAGA DOES NOT WISH ACCEPT
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"INTENCIONALES" AFTER "DANOS" IN SPANISH TEXT. HE

MAINTAINS THAT FIRST PARA ARTICLE II ALREADY DEFINES ITEMS IN LIST AS CRIMES ("DELITOS") AND ADDITION WOULD BE REDUNDANT. HE HOLDS THAT IF INJURY IS NOT INTENTIONAL IT IS NOT CRIME. ON BASIS OF NONEXISTENT LEGAL BACKGROUND, STEVEN RAISED POSSIBILITY OF PROBLEM WITH INJURY CAUSED BY NEGLIGENCE, BUT ARTEAGA FAILS UNDERSTAND DEPARTMENT'S DIFFICULTY. DOES DEPARTMENT WISH TO PRESS THIS POINT? INSERTION SEMICOLON AFTER "ARSON" IN ENGLIYT TEXT AGREED.

OFFENSE 14 - DEPARTMENT'S SUGGESTIONS ACCEPTED.

OFFENSE 16 - INSERTION OF "A BORDO" IN SPANISH TEXT ACCEPTED. ORIGINAL TEXTS ON DAMAGE - DESTRUCTION OF AIRCRAFT ACCEPTED.

OFFENSE 17 - ALL SUGGESTIONS ACCEPTED.

OFFENSE 18 - SUGGESTION ACCEPTED. SPANISH TEXT PROPOSED BY ARTEAGA READS "PREVARICACION, OBSTRUCCION DE LA JUSTICIA Y COHECHO."

OFFENSE 20 - DEPARTMENT'S PROPOSED SPANISH TEXT ACCEPTED.

OFFENSE 22 - SUGGESTION ACCEPTED.

OFFENSE 25 - ARTEAGA SEES NO REASON FOR SPANISH TEXT TO LIST BOTH "QUIEBRA" AND "INSOLVENCIA FRAUDULENTA." HE BELIEVES "QUIEBRA" ALONE COVERS SAME GROUND AS ENGLISH TEXT. STEVEN HAS UNCERTAIN RECOLLECTION THAT DIFFERENCE WAS RESULT OF REQUEST OF CHILEAN NEGOTIATORS TO AMPLIFY SPANISH TEXT. ARTEAGA WILL CHECK WITH MANUEL GUZMAN AND BE GUIDED BY GUZMAN'S VIEW. IN ANY EVENT, ARTEAGA QUESTIONS USE OF PLURALS OF "QUIEBRA" AND "INSOLVENCIA FRAUDULENTA" IN DEPARMENT'S SUGGESTED CHANGE.

ARTICLE III - NOT ACCEPTED. "PROPOSICION" IS SPECIFIC LEGAL TERM IN CHILEAN LAW WHICH SHOULD REMAIN IN TEXT. ACCEPT "A UN ANO" INSTEAD OF "DE UNCLASSIFIED

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UN ANO." IN LINE 2, ARTEAGA PREFERS "A UNO DE LOS REFERIDOS" OVER DEPARRTMENT'S SUGGESTION.

AGREES THAT "AUN" SHOULD NOT HAVE ACCEPT. (AT THIS POINT ARTEAGA SENT RUEFUL COMPLIMENTS TO DEPARMENT'S SPANISH EXPERTS. SAID HE AND MOST EDUCATED CHILEANS USE ACCENT, AND ONLY REFERRAL TO SPANISH ACADEMY DICTIONARY CONVINCED HIM DEPARTMENT

IS RIGHT.) AGREE TO "A UN TRIBUNAL."

ARTICLE IV CHANGES AGREED.

ARTICLE V - AGREED RETURN TO ORIGINAL DEPARTMENT TEXT.

ARTICLE VI - AGREED RETURN TO "AND" AND "Y".

4. ON MISCELLANEOUS POINTS, ARTEAGA AGREED READILY TO ELIMINATION OF DASHES AFTER NUMBERS IN ARTICLE II, AND TO USE OF PERIOD AFTER EACH OFFENSE ITEM IN LIEU OF SEMICOLON. ALTHOUGH "PASSENGER AIRCRAFT" QUESTION OF ARTICLE VII NOT YET REACHED, PRELIMINARY LOOK BY ARTEAGA INDICATED PROBABLE ACCEPTANCE OF DEPARTMENT VIEW. HE CONTENDS DIFFERENCE IS REAL AND OF SUBSTANCE, BUT APPEARS READY TO ACCEPT DEPARTMENT'S PREFERENCE TO LEAVE INTERPRETATION TO COURTS.

5. TEXTS POUCHED TO STEVEN ARRIVED AFTER SEPTEMBER 3 SESSION WITH ARTEAGA, BUT REVIEW INDICATES ALL OF DEPARTMENT'S POINTS COVERED ACCURATELY FROM REFTTEL B. POPPER

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